



COPY

PATENT
Attorney Docket No. 211174

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

ULRICH et al.

Group Art Unit: 1621

Application No. 09/637,843

Examiner: Deborah D. Carr

Filed: August 10, 2000

For: PRODUCTS COMPRISING CORN OIL
AND CORN MEAL OBTAINED FROM
HIGH OIL CORN

THIRD SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
Washington, D.C. 20231

Pursuant to 37 CFR 1.97 and 1.98, the references listed on the enclosed Form PTO-1449 and/or Substitute Form PTO-1449 ("Form 1449") are submitted for consideration by the Examiner in the examination of the above-identified patent application.

The full consideration of the references in their entirety by the Examiner is respectfully requested and encouraged. Also, it is respectfully requested that the references be entered into the record of the present application and that the Examiner place his or her initials in the appropriate area on the enclosed Form 1449, thereby indicating the Examiner's consideration of each of the references.

The submission of the references listed on the Form 1449 is for the purpose of providing a complete record and is not a concession that the references listed thereon are prior art to the invention claimed in the patent application. The right is expressly reserved to establish an invention date earlier than the above-identified filing date in order to remove any reference submitted herewith as prior art should it be deemed appropriate to do so.

Further, the submission of the references is not to be taken as a concession that any reference represents art that is relevant or analogous to the claimed invention. Accordingly, the right to argue that any reference is not properly within the scope of prior art relevant to an examination of the claims in the above-identified application is also expressly reserved.

The Information Disclosure Statement is being filed:

- ☒ **within** any one of the following time periods: (a) within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d); (b) within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 of an international application; (c) before the mailing date of a first Office Action on the merits; or (d) before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

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- ☐ **after** (a), (b), (c) or (d) above, but before the mailing date of a final action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and includes *one* of:
- ☐ the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below).
- or*
- ☐ the fee of \$180 set forth in 37 CFR 1.17(p) (see "Fees" below).
- ☐ **after** the mailing date of a final action under 37 CFR 1.113 or a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and on or before payment of the issue fee, and includes the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).
- ☐ **after** the mailing date of a Notice of Allowance under 37 CFR 1.311, and on or before payment of the issue fee, and **within** thirty days of receiving each item of information contained in the Information Disclosure Statement, and includes the Statement under 37 CFR 1.704(d) (see "Statement under 37 CFR 1.704(d)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).

NOTE: This is for original applications except applications for a design patent, filed on or after May 29, 2000, wherein a paper containing only an Information Disclosure Statement in compliance with 37 CFR 1.97 and 1.98 is being filed.

Copies of the References

- ☒ Copies of the references listed on the enclosed Form 1449 are enclosed herewith. Attached to each reference not in the English language is a concise explanation of the relevance pursuant to 37 CFR 1.98(a)(3). An English-language equivalent/patent, or an English-language abstract, or an English-language version of the search report or action by a foreign patent office in a counterpart foreign application indicating the degree of relevance found by the foreign office is being submitted in lieu of a concise explanation of the relevance pursuant to 37 CFR 1.98(a)(3).
- ☐ A copy of the foreign search report is enclosed herewith.
- ☐ The references listed on the enclosed Form 1449 were previously identified in the parent application(s) of the present application, and copies of the references were furnished at that time. Accordingly, additional copies of the references are not submitted herewith, so as not to burden the file with duplicate copies of references. The Examiner is respectfully requested to carefully review the references in accordance with the requirements set out in the Manual of Patent Examining Procedure. In accordance with 37 CFR 1.98(d), the details of the parent application(s) relied upon for an earlier filing date under 35 USC 120 in which copies of the references were previously furnished are set out below:

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U.S. APPLICATIONS		Status <i>(check one)</i>		
U.S. APPLICATIONS	U.S. FILING DATE	PATENTED	PENDING	ABANDONED
1.				
2.				
3.				

Statement under 37 CFR 1.97(e)

- ☐ The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign patent application not more than three months prior to the filing of the Information Disclosure Statement.
- ☐ The **undersigned** hereby states that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

Statement under 37 CFR 1.704(d)

- ☐ The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 CFR 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

Fees

- ☒ No fee is owed by the applicant(s).
- ☐ The **IDS Fee of \$180** under 37 CFR 1.17(p) is enclosed herewith.

Method of Payment of Fees

- ☐ Attached is a check in the amount of \$.
- ☐ Charge Deposit Account No. 12-1216 in the amount of \$. (A duplicate copy of this communication is enclosed for that purpose.)

Authorization to Charge Additional Fees

- ☒ If any additional fees are owed in connection with this communication, please charge Deposit Account No. 12-1216. (A duplicate copy of this communication is enclosed for that purpose.)

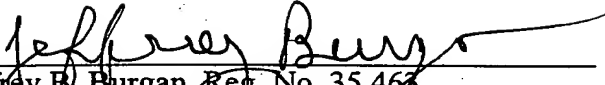
In re Appln. of Ulrich et al.
Application No. 09/637,843

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Instructions as to Overpayment

☒
☐

Credit Account No. 12-1216.
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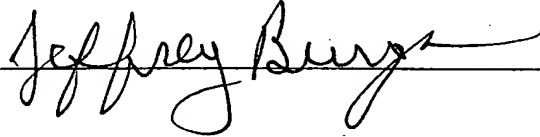
Date: December 11, 2002

CERTIFICATE OF MAILING

I hereby certify that this INFORMATION DISCLOSURE STATEMENT (along with any documents referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231.

Date:

12-11-02



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Substitute for form 1449A/B/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet

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of

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Complete if Known

Application Number	09/637,843
Filing Date	August 10, 2000
First Named Inventor	Ulrich
Group Art Unit	1621
Examiner Name	Deborah D. Carr
Attorney Docket Number	211174

U.S. PATENT DOCUMENTS

Examiner Initials	Doc. No.	U.S. Patent Document		Name of Patentee or Applicant	Date of Publication	Filing Date If Appropriate
		Application or Patent Number	Kind Code			
	AI	4,594,260		Vaqueiro et al.	6/10/1986	
	AJ	5,320,669		Lim et al.	6/14/1994	
	AK	5,706,603		Bergquist et al.	1/13/1998	
	AL	5,908,940		Lane et al.	6/1/1999	

FOREIGN PATENT DOCUMENTS

Examiner Initials	Doc. No.	Foreign Patent Document			Name of Patentee or Applicant	Date of Publication	Translation	
		Office	Application or Patent Number	Kind Code			Yes	No**
	AM	WO	95/22598	A2	DuPont	8/24/1995		
	AN	WO	98/43473	A1	Optimum Quality Grains, L.L.C.	10/8/1998		
	AO	WO	00/47702	A1	Cargill, Incorporated	8/17/2000		
	AP	WO	01/55283	A1	Cargill, Incorporated	8/2/2001		
	AQ	WO	02/13624	A1	Renessen LLC	2/21/2002		
	AR	WO	02/14459	A2	Renessen LLC	2/21/2002		

OTHER - NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Doc. No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number (s), publisher, city and/or country where published.	Translation	
			Yes	No**
	AS	Aguilera et al., "Laboratory and Pilot Solvent Extraction of Extruded High-Oil Corn," <i>JAOCS</i> , 63:239-243 (1986)		
	AT	Blessin, "Carotenoids of Corn and Sorghum," <i>Cereal Chem.</i> , 59:236-242 (1962)		
	AU	Blessin et al., "Carotenoids of Corn and Sorghum," <i>Cereal Chem.</i> , 40:582-586 (1963)		
	AV	Grams et al., "Distribution of Tocopherols Within The Corn Kernel," <i>J. Amer. Oil Chemists Soc.</i> , 47:337-339 (1970)		
	AW	Lambert, "High-Oil Corn Hybrids," <i>Specialty Corns</i> , pp. 123-145 (1994)		
	AX	Paulis et al., "Selection of High-Lysine Corns with Varied Kernel Characteristics and Compositions of a Rapid Turbidimetric Assay for Zein," <i>J. Agr. Food Chem.</i> , 22:318-323 (1974)		
	AY	AOCS Recommended Practice Ba 2b-82 (1997)		
	AZ	AOCS Recommended Practice Ba 4e-93 (1999)		
	BA	AOCS Recommended Practice Ba 6-84 (1997)		
	BB	AOCS Recommended Practice Ba 3-38 (1997)		
	BC	AOCS Recommended Practice Ca 5a-40 (1997)		
	BD	AOCS Official Method Ca 12-55 (1997)		
	BE	AOCS Official Method Cc 13b-45 (2000)		
	BF	Standard Analytical Methods of the Member Companies of the Corn Refiners Association, Inc., Standard 6-3-57 (1986)		
	BH	XP-002199802, DuPont Quality Grains (1996)		

Examiner Signature

Date Considered

* A concise statement of relevance is being submitted in lieu of a translation. 37 CFR 1.98(a)(3).

+ An English-language equivalent/patent, or an English-language abstract, or an English-language version of the search report or action by a foreign patent office in a counterpart foreign application indicating the degree of relevance found by the foreign office is being submitted in lieu of a concise explanation of relevance under 37 CFR 1.98(a)(3).



THE PATENT AND TRADEMARK OFFICE IS RESPECTFULLY REQUESTED TO PLACE ITS STAMP ON THIS POSTAL CARD AND PLACE IT IN THE OUTGOING MAIL TO SHOW THE FOLLOWING FEES HAVE BEEN RECEIVED.

In re Appln. of Ulrich et al.; Application No. 09/637,843
Third Supplemental Information Disclosure Statement (4 pp./original/copy)
with PTO-1449 Form and Cited References (References AI-BH)
Mailed 12/11/02
Case 211174
JBB/dl

AHF

LEYDIG, VOLT & MAYER
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DEC 26 2002

POSTAL Due Date

